

MARK RUMOLD (SBN 279060)
mark@eff.org
NATHAN D. CARDOZO (SBN 259097)
nate@eff.org
AARON MACKEY (SBN 286647)
amackey@eff.org
ELECTRONIC FRONTIER FOUNDATION
815 Eddy Street
San Francisco, CA 94109
Telephone: (415) 436-9333
Facsimile: (415) 436-9993

Attorneys for Plaintiff
ELECTRONIC FRONTIER FOUNDATION

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ELECTRONIC FRONTIER FOUNDATION,)
)
Plaintiff,)
)
v.)
)
UNITED STATES DEPARTMENT)
OF JUSTICE,)
)
Defendant.)

Case No. 16-cv-02041-HSG

**STIPULATION AND ORDER TO SET
BRIEFING SCHEDULE AND VACATE
CASE MANAGEMENT CONFERENCE**

Pursuant to L. R. 7-12, Plaintiff Electronic Frontier Foundation (“EFF”) and Defendant United States Department of Justice hereby stipulate to the proposed briefing schedule for cross-motions for summary judgment in this case outlined below and request that the Court order the same.

(1) As the Joint Case Management Statement (JCMS) filed on July 26, 2016 (ECF No. 23) indicated, the parties conferred at various times and significantly narrowed the issues prior to the scheduled Case Management Conference (CMC) on August 2, 2016. At the time of filing the JCMS, the primary outstanding issue that the parties had yet to reach an agreement on was a schedule or plan for cross-motions for summary judgment. The parties continued to confer and have reached agreement on a schedule as follows:

September 22, 2016 Defendant’s Motion for Summary Judgment (25 pages)

October 13, 2016 Plaintiff’s Combined Cross-Motion for
Summary/Judgment/Opposition to Defendant’s Motion (50 pages)

November 3, 2016 Defendant’s Combined Opposition to Plaintiff’s Motion/Reply in
Support of Their Motion for Summary Judgment (40 pages)

November 17, 2016 Plaintiff’s Reply in Support of Its Motion for Summary Judgment (15
pages)

December 15, 2016 Requested Hearing Date

(2) In light of the parties’ agreement on the proposed briefing schedule, the parties respectfully submit that the scheduled CMC may no longer be necessary. Should the Court agree, the parties jointly request the Court vacate the CMC scheduled for 2 p.m. on August 2, 2016.

August 1, 2016

Respectfully submitted,

By /s/ Aaron Mackey
Aaron Mackey

ELECTRONIC FRONTIER FOUNDATION
815 Eddy Street
San Francisco, CA 94109

Attorneys for Plaintiff

August 1, 2016

Respectfully submitted,

BENJAMIN C. MIZER
Principal Deputy Assistant Attorney General

MELINDA HAAG
United States Attorney

ELIZABETH J. SHAPIRO
Deputy Branch Director

By /s/
RODNEY PATTON
Senior Counsel
JULIA A. BERMAN
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, N.W.
Washington, D.C. 20001

Attorneys for Defendant

DECLARATION PURSUANT TO LOCAL RULE 5-1(I)(3)

Pursuant to Civil L.R. 5-1(i)(3), I, Aaron Mackey, declare that I obtained the concurrence of Rodney Patton, counsel for Defendant, United States Department of Justice, in the filing of this document.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 1st day of August, 2016 in San Francisco, California

DATED: August 1, 2016

Respectfully submitted,

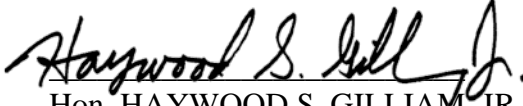
By /s/ Aaron Mackey
Aaron Mackey

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. The parties shall file their summary judgment briefs in accordance with the schedule above.

IT IS FURTHER ORDERED. The Case Management Conference scheduled for 2 p.m. on August 2, 2016 is vacated.

DATED: August 2, 2016


Hon. HAYWOOD S. GILLIAM, JR.
United States District Court Judge